

10-03-05

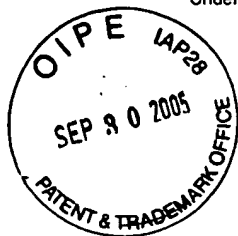
RCE/2145/185FW

PTO/SB/30 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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CUSTOMER NUMBER: 27792

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.

| | |
|----------------------|----------------------|
| Application Number | 09/606,641 |
| Filing Date | June 29, 2000 |
| First Named Inventor | Rush et al. |
| Group Art Unit | 2145 |
| Examiner Name | Choudhury, Azizul Q. |
| Attorney Docket No. | MICR0512 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

 X 1. Submission required under 37 C.F.R. § 1.114

a. Previously submitted

- i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. Other _____

b. Enclosed

- i. X Amendment/Reply
- ii. Affidavit(s)/Declaration(s)
- iii. Information Disclosure Statement (IDS)
- iv. Other _____

10/03/2005 HDESTA1 00000097 09606641

01 FC:1801

02 FC:1251

790.00 OP
120.00 OP

 2. Miscellaneous

 X 3. Request for Extension of Time

Applicant respectfully requests that the shortened statutory period for response to the Final Office Action dated June 16, 2005, set to expire on September 16, 2005, be extended by 1 month to expire on October 16, 2005. The \$120 large entity fee is enclosed herewith in the check noted below.

 X 4. Request for Constructive Petition for Extension of Time

It is requested that any concurrent or future reply submitted in the present application requiring a petition for an extension of time under 37 CFR 1.136(a)(3) for timely submission be treated as incorporating a petition for extension of time for the appropriate length of time. It is also requested that any additional required fees under § 1.17, including all required extension of time fees, be charged to Deposit Account No. 01-1940,

thereby constructively petitioning for any necessary extension of time to maintain the present application in a pending state.

X 5. Claim Status

| Computation of Fee For Claims as Submitted for filing in RCE | | | | | |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------|----------------------------------------------------|---------------------------|---------|---------------|
| | Claims Remaining after Preliminary Amendment Submitted Herewith (if any) | Highest Number of Claims Previously Paid For | Number of Extra Claims | Rate | Fees |
| Total Claims | 30 | 30 | -0- | x \$50 | \$-0- |
| Independent Claims | 4 | 4 | -0- | x \$200 | -0- |
| ADDITIONAL CLAIM FEE | | | | | 0 |
| EXTENSION OF TIME FEE | | | | | 120 |
| RCE FEE | | | | | 790 |
| TOTAL ADDITIONAL FEE FOR THIS RCE SUBMISSION | | | | | \$ <u>910</u> |

X 6. Fees The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.

a. X The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 01-1940.

- i. RCE fee required under 37 CFR § 1.17(e)
- ii. Extension of time fee (37 CFR §§ 1.136 and 1.17)
- iii. X Any additional required fees
- iv. Other

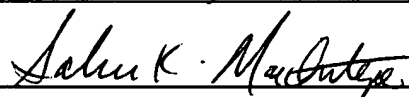
b. X Check No. 85 34 in the amount of \$910 is enclosed, which includes all the fees as noted above.

c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Typed/Printed Name Sabrina K. MacIntyre

Registration Number: 56,912

Signature 

Date: September 30, 2005

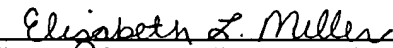
EXPRESS MAIL CERTIFICATE

Express Mail Label No. EV289322089US

Date of Deposit: September 30, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, Virginia 22313-1450.

Elizabeth L. Miller
(Name of person mailing paper/fee)


(Signature of person mailing paper or fee)

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Director of the Patent and Trademark Office, Box RCE, Washington, DC 20231.